

## **REMARKS**

### **Formal Matters**

Claims 28 and 30 remain in this application. Claim 30 is amended. Claim 29, previously withdrawn, is re-added for consideration (see the paragraph herein below). The amendment of claim 30 is supported throughout the specification such as, for example, at page 22, lines 17-24 and in Example 1. No new matter is added by the amendment.

Applicants respectfully submit that the pending generic claim 30 is patentable and request reconsideration of previously withdrawn species claim 29 which is amended to depend from the generic claim and recites an antibody fragment that binds CD18. A request for reconsideration was previously made in the response submitted February 28, 2003, page 4, third paragraph.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 28 and 30 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, specifically with respect to whether the recited antibody fragments are of the same type (see page 3 of the Office Action). Applicants respectfully traverse the rejection as applied and as it might be applied to the currently pending claims for the reasons provided below.

Without acquiescing to the rejection and merely to expedite allowance of the claims, independent claim 30 recites a mixture of an antibody fragment comprising incorrectly disulfide linked light and heavy chains and the antibody fragment comprising correctly disulfide linked light and heavy chains, wherein the purity of the correctly disulfide linked antibody fragment is at least about 95%. The relationship of the recited antibody fragments is clear. Withdrawal of the rejection and allowance of the claims is respectfully requested.

### **Rejection Under 35 U.S.C. § 102(e) (Carter, US5,648,237)**

Claims 28 and 30 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Carter (US Patent 5,648,237, with priority to 9/91). Applicants respectfully traverse the rejection

as applied and as it might be applied to the currently pending claims for the reasons provided below.

Without acquiescing to the rejection and merely to expedite allowance of the claims, Applicants have amended claim 30 to claim a composition comprising a mixture of an antibody of an antibody fragment comprising incorrectly disulfide linked light and heavy chains and the antibody fragment comprising correctly disulfide linked light and heavy chains, wherein the purity of the correctly disulfide linked antibody fragment in the composition is at least about 95%, and wherein the antibody fragment is selected from the group consisting of a F(ab')<sub>2</sub> fragment, Fab fragment and linear F(ab')<sub>2</sub> fragment. Carter (US5,648,237) does not disclose such compositions.

Applicants respectfully submit that the claims are in condition for allowance and request reconsideration of withdrawn claim 29 as being encompassed by allowable genus claim 30. Allowance of claims 28, 29, and 30 is respectfully requested.

### SUMMARY

Claims 28 and 30 are pending in the application. Claim 30 is amended. The rejections under Section 112, second paragraph and Section 102(e) have been overcome. In view of the allowability of the pending claims, reconsideration of withdrawn claim 29 (withdrawn due to species election) is requested. Allowance of claims 28, 29, and 30 is further requested.

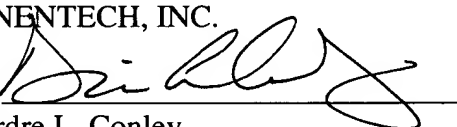
If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a one-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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